

REMARKS/ARGUMENTS

The following is in response to the personal interview granted to the undersigned by Examiner Okeke on July 26, 2011, which is acknowledged with appreciation. The Interview Summary prepared by Examiner Okeke accurately reflects the substance of the interview. The interview was conducted in order to expedite prosecution of the application relative to the Office Action of March 17, 2011, wherein the claims were rejected over, *inter alia*, CA 2129925 to Zwaneveld in view of US 6,785,539 to Hale and further in view of US 5,974,116 to Engelke.

As proposed during the interview, Claim 1 has now been amended to further clarify the distinction between the claimed invention and the cited art. In particular, Claim 1 has been amended to specify that the presentation has a wireless acoustic signal and that the microphone of the cellular telephone receives this acoustic signal and converts it into a corresponding electrical signal. This electrical signal is then processed by a synchronizer to determine synchronization information that is used to control the timing at which the captions are output.

Zwaneveld describes a system that can determine and provide subtitles for a film. The system reads the audio from the film itself and synchronises the display of captions based on signatures determined from the read audio signal. In the system proposed by Zwaneveld, it is the venue itself which performs the processing to synchronise the subtitles with the film, which it then displays for everyone at the venue to see. However, Zwaneveld does not disclose or suggest use of a cellular telephone which receives the acoustic signal of the presentation and which uses this acoustic signal to control synchronization of the outputting of captions for the presentation.

Hale discloses a captioning system where a portable device has stored captions and the outputting of the captions to the user is triggered by an RF or IR wireless signal. As can be seen from the figures of Hale to provide this trigger system, an additional RF/IR transmitter system is required. See for example Figure 3, where timing codes are determined from the presentation and separately transmitted by the RF/IR transmitters to the portable devices.

The teaching of Hale is to transmit an RF/IR trigger to the user device using a transmitter that is separate from the presentation. The amended claims effectively require the triggering of the caption outputs to be controlled by the acoustic signal of the presentation. This is also not disclosed or suggested by Hale or the other cited art.

In the device disclosed by Engelke, the hearing person's speech is captured and sent by the device to a remote assistant, which recognizes the spoken words and returns corresponding text for display to the deaf person. This is an entirely different device to the one described by Hale and to the claimed invention.

In the claimed invention, the captions are stored in the device prior to the presentation and synchronization is required to make sure that these stored captions are output to the user at the correct time during the presentation. See Claim 1, which requires:

"a first receiver configured to receive, from said caption store, at least one set of captions for storage in the cellular telephone or to receive a sequence of captions for a presentation to be made to a user associated with the cellular telephone"

And

"a synchronizer configured to process the electrical signal obtained from the microphone corresponding to said acoustic signal of said presentation, to determine synchronization information for use in defining the timing during the presentation at which each caption is to be output to the user associated with the cellular telephone;"

This is totally different to Engelke – which does not store the captions in advance. The whole point of the Engelke device is for a deaf person to communicate in real time with a hearing person – so the device can't know what the hearing person is going to say in advance. Engelke therefore teaches away from Hale and the claimed invention.

Therefore, those skilled in the art would not have arrived at the invention of Claim 1 from the cited art. The Office Action appears to be reconstructing the invention with hindsight by picking individual parts of each of the cited documents to try to arrive at the claimed invention, when in reality Zwaneveld, Hale and Engelke all teach very different types of systems and the only motivation to combine them in the manner suggested is from the Applicant's own disclosure. Similar arguments apply for the other independent claims.

Additional comment is given in relation to the Claim 27. The Office Action appears to equate "synchronization codes" with audio signatures that can be obtained by processing the audio and compressing it in some characteristic manner to leave a signature. Those skilled in the art would clearly understand and indeed the specification clearly states that there is a difference between audio signatures and embedded synchronization codes (see the top of page 9 of the present application for a discussion of signature extraction and from line 9 of page 18 for a discussion of embedded synchronization codes). To clarify further, Claim 27 has been amended to clarify that the embedded code has been added to the audio of the presentation.

Additionally, in relation to Claim 30, it requires:

"said cellular telephone is configured to process the electrical signal from the microphone corresponding to the acoustic part of the presentation to determine data for use in identifying the presentation therefrom and is configured to transmit the determined data to said caption store and wherein said caption store is configured to use said determined data to identify the presentation being made and to transmit the associated set of captions for the identified presentation to said first receiver."

There is no disclosure in the cited art for a cellular telephone to process the acoustic signal of the presentation to determine data that is then transmitted to the caption store for use by the caption store to identify the presentation being made and to select the associated set of captions for that presentation for transmission back to the first receiver.

The patentability of the rejected independent claims have been argued as set forth above and thus the Applicant will not take this opportunity to argue the merits of the rejections with regard to each of the dependent claims, with the exception of the above. However, Applicant does not concede that the other dependent claims are not independently patentable and reserves the right to argue the patentability of the dependent claims at a later date if necessary.

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Reply to Office Action of March 17, 2011

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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